

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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WILLIAM MITCHELL,

Plaintiff,

-against-

EUGENE LOPEZ, ET AL.,

Defendants.

-----X  
MEMORANDUM AND

ORDER

01-CV-3111 (JS)

APPEARANCES:

For Plaintiff: William Mitchell, pro se  
103 Gates Ave, Unit 1  
Central Islip, NY 11722

For Defendants: Brian C. Mitchell, Esq.  
Office of the Suffolk County Attorney  
100 Veterans Memorial Highway  
PO Box 6100  
Hauppauge, NY 11788

SEYBERT, District Judge:

Pending before the Court is a two-page letter from pro  
se Plaintiff William Mitchell, dated January 3, 2011, in which  
Plaintiff re-states some of the issues in his case and requests  
that the Court award him summary judgment (the "January Letter,"  
Docket Entry 75). The January Letter consists almost entirely  
of conclusory allegations and is unaccompanied by any  
evidentiary support. Accordingly, Plaintiff's motion for  
summary judgment is DENIED without prejudice to renew.

The Court takes this opportunity to address again the  
status of Defendants' summary judgment briefing. In its

December 20, 2010 Order, the Court ordered that Defendants re-initiate the summary judgment process by January 31, 2011. Defendants timely served their Local Rule 56.1 Statement on Plaintiff on January 4, 2011. Defendants informed the Court that they would re-evaluate whether a summary judgment motion is appropriate when they received Plaintiff's 56.1 Counter-Statement. See Docket Entry 74. Plaintiff's time to serve a Counter-Statement has long since passed. To date, however, Defendants have not requested a pre-motion conference, which is a prerequisite for summary judgment motions under this Court's individual motion practices.

The Court is eager to advance this stale litigation. If either party is still interested in moving for summary judgment, they shall request a pre-motion conference by June 15, 2011. Plaintiff is reminded that he must comply with the Federal Rules of Civil Procedure, the Local Civil Rules for the Eastern District of New York, and this Court's individual motion practices when requesting summary judgment.

#### CONCLUSION

Plaintiff's motion for summary judgment (Docket Entry 75) is DENIED. Either party wishing to move for summary judgment shall request a pre-motion conference by June 15, 2011. The Clerk of the Court is directed to mail Plaintiff copies of

this Order, this Court's individual motion practices and the Local Civil Rules for the Eastern District.

SO ORDERED.

**JOANNA SEYBERT**

Joanna Seybert, U.S.D.J.

Dated: ~~MAY~~  
~~April 6~~, 2011  
Central Islip, New York